

ZONING BOARD OF APPEALS
MEETING MINUTES
APRIL 12, 2011
4:00 P.M.

CALL TO ORDER: Mr. John Stetler, Chairperson called meeting to order at 4:06 P.M.

ATTENDANCE:

Members Present: Deland Davis James Moreno
Greg Dunn John Stetler
Mike Fatt

Members Excused: Carlyle Sims and Becky Squires

Staff Present: Jill Steele, Deputy City Attorney
Susan Bedsole, Director L & C
Christine Hilton, Planning Supervisor
Glenn Perian, Senior Planner
Leona Parrish, Admin. Assistant, Planning Dept.

ADDITIONS OR DELETIONS TO THE AGENDA: Correspondence received today and presented to board from petitioners attorney, and Battle Creek Unlimited (Cheryl Beard).

OLD BUSINESS: None

Mr. John Stetler, Chairperson stated the meeting procedure and that everyone present may speak either for or against an appeal. He stated he will ask for a staff report to be read and then open the public hearing. At the public hearing persons may come forward and state their name and address for the record as it is being recorded and then speak either for or against an appeal. The public hearing will then be closed and the zoning board will discuss and make a decision. Mr. John Stetler stated if denied they may appeal to the Circuit Court.

NEW BUSINESS:

A) Appeal #Z-2-11: (Parcel #2550-00-013-0 Upton Avenue) Petition from Adams Outdoor Advertising, Mr. William B. Jackson, Real Estate Manager, 407 Ransom, Kalamazoo, MI 49007. First request is an appeal of Planning Staff determination for replacement of billboard sign; and pending their decision, a request for a variance to allow for a billboard sign to be reconstructed. Parcel is zoned "C-3 Intensive Business District" and commonly known as vacant lot on Upton Avenue, Parcel #2550-00-013-0. The permit application is requested pursuant to Planning and Zoning Code, Chapter 1296.28(e) & 1296.39(f).

Mr. John Stetler asked the applicant if they wished to postpone their appeal until the next Zoning Board of Appeals meeting when more than five board members are present, as it requires a yes vote

of four in favor to approve their appeal. Mr. William Jackson, Adams Outdoor Advertising and their attorney Mr. Richard Zecchino, Honigman Miller Schwartz and Cohn LLP asked if they could take a moment to discuss and make a decision. Applicant returned stated they appreciate the opportunity and would like to have their appeal postponed until the next meeting.

MOTION: MR. GREG DUNN MADE A MOTION TO POSTPONE APPEAL #Z-2-11 UNTIL THE NEXT ZONING BOARD MEETING PER THE REQUEST OF THE PETITIONER, TO ALLOW FOR MORE THAN FIVE ZONING BOARD MEMBERS TO BE IN ATTENDANCE; AS FOUR VOTES IN FAVOR IS REQUIRED FOR APPROVAL; SUPPORTED BY MR. JAMES MORENO.

Discussion: None

MR. JOHN STETLER ASKED FOR ANY ADDITIONAL COMMENTS, SEEING NONE A VOTE WAS TAKEN TO POSTPONE; ALL IN FAVOR; NONE OPPOSED MOTION APPROVED.

B) Election of Officers

A NOMINATION WAS MADE FOR MR. JOHN STETLER TO BE CHAIRMAN BY MR. DELAND DAVIS: SUPPORTED BY MR. GREG DUNN.

Mr. Stetler asked if there were any other nominations; hearing none he closed the floor for nominations and asked for a vote.

ALL IN FAVOR; NONE OPPOSED; MOTION PASSED.

A NOMINATION WAS MADE FOR MR. GREG DUNN TO BE VICE-CHAIR BY MR. DELAND DAVIS: SUPPORTED BY MR. JAMES MORENO.

Mr. Stetler asked if there were any other nominations; hearing none he closed the floor for nominations and asked for a vote.

ALL IN FAVOR; NONE OPPOSED; MOTION PASSED.

APPROVAL OF MINUTES:

MOTION: WAS MADE BY MR. GREG DUNN TO APPROVE THE MARCH 8, 2011 ZONING BOARD OF APPEALS MINUTES AS PRESENTED; SUPPORTED BY MR. JAMES MORENO ALL IN FAVOR; NONE OPPOSED, MOTION CARRIED – MINUTES APPROVED.

COMMENTS BY THE PUBLIC: None

COMMENTS BY THE MEMBERS / STAFF:

Mr. Deland Davis stated the board appreciated Mr. John Stetler and Mr. Greg Dunn willingness to serve another year as Chair and Vice-Chair.

ADJOURNMENT: Mr. John Stetler made a motion for the meeting to be adjourned; all stated in favor, meeting was adjourned at 4:16 P.M.

Submitted by: Leona A. Parrish
Administrative Assistant, Planning Department